

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS**

Monday, April 17, 1995

- 9:00 a.m. - 10:00 a.m. Board of Health - Pat Pearce, Director.
- 1) Continuation of Consideration of Suspension of Food Establishment Permit - Conway Tavern & Eatery.
 - 2) Moderate Risk Waste Ad Hoc Committee & Ordinance Development.
 - 3) Skagit Community Network Update.
 - 4) Miscellaneous.
- 10:00 a.m. - 11:00 a.m. Public Works Department - Jan Keiser, Director.
- 1) Presentation - Certificate of Commendation - Ken Bechtel.
 - 2) Resolution - Calling for Bids - Bi-Directional Tractors with Interchangeable Mower/Brush Cutter Attachments.
 - 3) Resolution - Amendment of the 1995 Annual Road Program.
 - 4) Administrative Settlement - Prairie Road Improvement Project.
 - 5) Resolution - Establishment of County Road Project - Francis Road.
 - 6) Bid Award - Peter Burns Road Fish Passage Project 1995.
 - 7) Right-Of-Way Plans/Summary of Offer - Peter Burns Road Fish Passage Project.
 - 8) Right-Of-Way Plans/Summary of Offer - Hoehn Road Fish Passage Project.
 - 9) Personal Services Agreement - Alder Creek Timber, Inc. (Gages Slough Tree Removal Project).
 - 10) Miscellaneous.
- 11:00 a.m. - 11:30 a.m. Discussion - Northern State Property Grazing Lease.
- CONSENT AGENDA.
MISCELLANEOUS.**
- 2:00 p.m. - 3:00 p.m. Emergency Management Council Meeting (Hearing Room B).
- 3:30 p.m. - 4:30 p.m. Executive Session - Personnel, Litigation and Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Monday, April 17, 1995, with Commissioners Robert Hart, Harvey Wolden and Ted W. Anderson present.

BOARD OF HEALTH - Pat Pearce, Director.

1. Continuation of Consideration of Suspension of Food Establishment Permit - Conway Tavern & Eatery.

Tom Karsh, Permit Center Coordinator, reviewed a letter the County received from Kearney Lee Hammer, the attorney representing Louis Prosser, operator of the Conway Tavern & Eatery. The letter was addressed to Mr. Carroll, the attorney representing Frank Sybrandy, a neighbor to the Conway Tavern. The Board indicated that they had reviewed the subject letter. Mr. Karsh advised that a formal overview of the proposed repairs has also been received and copies of same were provided for the Board's review. Specifics of the proposed modifications and testing schedule were reviewed. Mr. Karsh advised that Staff has visited the site and has confirmed that there is no existing ponding water. Site inspection was additionally conducted this morning at the direction of the Board and no ponding water or septic failures were discovered.

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At Mr. Sybrandy's request, John Thayer of the Health Department took water samples from Mr. Sybrandy's property on April 12, 1995. The samples taken showed a high contamination of fecal coliform and a memorandum summarizing the testing done on that date was briefly reviewed. It was unknown whether Mr. Sybrandy's own septic system contributed to the contamination or if the contamination is emanating from the Conway Tavern.

Mr. Karsh recommended that the restaurant be allowed to remain open provided there is no gross failure and that the repair proposal as presented proceeds. Mr. Karsh reminded the Board that there are no strict standards for the repair of on-site sewage systems and that relocation of existing septic tanks or of the mound is not a part of the proposed repair. Mr. Karsh indicated that the existing mound can handle the amount of waste with the assistance of the previously proposed "Nibbler" system. Mr. Karsh stated that the restaurant owner has demonstrated a commitment to fix the existing problems and install the Nibbler system. The septic tanks are being pumped out as often as necessary to eliminate any possibility of ponding water. Mr. Karsh further advised that the mound has not received any water for the past two weeks.

Upon Chairman Hart's query of Dean Bannister, septic installer, Mr. Bannister indicated that the Nibbler system should be installed during the week of April 24th, subject to the processing of permitting paperwork. Mr. Hammer, attorney for the Prossers, confirmed that the Stuth Company and the Prossers should have the Nibbler system ready for installation next week.

Mr. Thayer briefly reviewed his trip to Mr. Sybrandy's property to accomplish testing. Mr. Thayer also noted that the drainfield for Mr. Sybrandy's own septic system is on the south property line, but that the flow of water indicates there is hydraulic pressure from the Conway Tavern property.

Commissioner Anderson asked for clarification of the test results and the specific dangers of the 240,000 report of fecal coliform. Mr. Thayer advised that this is quite an unsafe condition and could cause illness. Mr. Thayer indicated that the drying of the ground will eliminate this concern until the Nibbler system is fully in effect. Commissioner Wolden noted that aeration of the soil will assist in this regard.

A discussion ensued on the geographical problems specific to the area in regards to the low water table.

Mr. Bannister questioned Staff on the specifics of the tests conducted by the Health Department last week. Mr. Bannister clarified with George Ridgeway, Permit Center Staff, that there has been quite a bit of water improvement since last week due to dry weather and the regular pumping of the septic tanks.

Louis Prosser, owner of the Conway Tavern, indicated that a recent dye test showed that no water has been leaching from the septic system and mound. Mr. Karsh indicated that an additional dye test should be accomplished after the Nibbler system is installed.

Chairman Hart indicated that there has been a significant reduction in the water levels from the previous reports.

Commissioner Anderson again queried Mr. Thayer on the extent of the health hazard present in this area. Mr. Thayer responded that the reduction in water levels has lessened the health hazard to the surface. The continued pumping of the tanks until the Nibbler system is installed, according to Mr. Thayer, also assists in this regard.

Mr. Karsh advised the Board that Staff offered to dye test Mr. Sybrandy's septic system, but he declined the offer.

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Commissioner Anderson reiterated that the highest priority is to get this matter resolved to eliminate the health hazards and that he does not want to put Skagit County on the line if a health hazard is present.

Commissioner Wolden stated that the low water table due to the proximity to the Skagit River contributes to the water saturation problems in the area.

Chairman Hart indicated that all septic systems propose a health hazard, no matter where they are located. Mr. Karsh said that in a dry condition, fecal coliform dies quickly, and that saturated soil contributes to contamination of the water table.

Commissioner Wolden confirmed that the work is scheduled to be performed next week. Mr. Karsh confirmed that the paperwork can be processed quickly. Mr. Hammer indicated that draft of the Management Maintenance Agreement is ready to be processed.

Mr. Sybrandy asked if the Board is willing to continue to proceed knowing the health hazard that exists on his property.

Commissioner Hart responded that the subject septic tanks are being pumped on a regular basis and that no effluent is leaking and leaving their establishment.

Commissioner Wolden stated that Mr. Sybrandy's own system is more than likely contributing to the contamination of his own property.

Chairman Hart stated that the bottom line is that dye tests have not shown anything. Mr. Ridgeway confirmed that Mr. Sybrandy has refused to have his own septic system dye tested.

Commissioner Wolden moved to allow the Prossers to proceed with the repairs to the septic system with the conditions that they continue pumping the septic tanks so that there is no inundation to the system, that they address the roof drainage problems as previous discussed, and proceed forward with the installation of the Nibbler system. The motion was seconded by Chairman Hart. Commissioners Wolden and Hart voted affirmatively for the motion, and Commissioner Anderson voted against the motion. The motion passed.

2. Moderate Risk Waste Ad Hoc Committee & Ordinance Development.

Britt Pfaff, Health Department Staff, reviewed Moderate Risk Waste criteria, stating that such waste is generated by a homeowner or small business. Skagit County developed a Moderate Risk Hazardous Waste Management Plan in 1992 which details a strategy for properly managing Moderate Risk Waste generated in Skagit County. Development of an ordinance at the local level is the next step in the plan. The Health Department is proposing the formation of an ad hoc advisory committee to help develop feedback for the preparation of this ordinance.

Commissioner Anderson suggested adding an individual from the laundry/dry cleaning industry to the list of proposed members to this committee.

The Board indicated their concurrence with the list of individuals as proposed for this ad hoc committee. Commissioner Wolden moved to proceed with the formation of the ad hoc committee as presented. Commissioner Anderson seconded the motion, which passed unanimously.

3. Skagit Community Network Update.

This item was held over to the next agenda time due to lack of time.

4. Miscellaneous.

Representatives of the Wellness Committee, Steve Blair and Sandy Corron, reviewed the Wellness Calendar for the remainder of the year and specifically reviewed the activities and targets for April and May. It was noted that Stress Management is of special interest to many County employees.

PUBLIC WORKS DEPARTMENT - Jan Keiser, Director.

1. Presentation - Certificate of Commendation - Ken Bechtel.

Robin LaRue, Assistant Public Works Director, advised that Ken Bechtel is retiring after providing over 32 years and 8 months of service to Skagit County. The Board presented a Certificate of Commendation to Mr. Bechtel and thanked him for his years of service.

2. Resolution - Calling for Bids - Bi-Directional Tractors with Interchangeable Mower/Brush Cutter Attachments.

Charlie Tewalt, Public Works Department Staff, presented a Resolution Calling for Bids for Bi-Directional Tractors with Interchangeable Mower/Brush Cutter Attachments. Commissioner Wolden moved to approve the Resolution calling for bids as presented by Staff. Commissioner Anderson seconded the motion, which passed unanimously. (Resolution #15718)

3. Resolution - Amendment of the 1995 Annual Road Program.

Dave Sheridan, Public Works Department Staff, reviewed with the Board amendments to the 1995 Annual Road Program, which includes Regional STP Funding recently awarded to Avon Allen Road and Bow Hill Road, STP Enhancement funds recent approved for South Skagit Bridge Fish Passage, and the addition of the Francis Road Curve Realignment.

After brief discussion, Commissioner Wolden moved to approve the Resolution amending the 1995 Annual Road Program as presented by Staff. Commissioner Anderson seconded the motion, which passed unanimously. (Resolution #15719)

4. Administrative Settlement - Prairie Road Improvement Project.

Staff presented an Administrative Settlement Summary to Mr. Harold E. Hoyt for replacement of a granary cargo access door in the amount of \$900. The Board approved the Administrative Settlement Summary and signed the necessary documentation.

5. Resolution - Establishment of County Road Project - Francis Road.

Mr. Sheridan presented a Resolution to the Board establishing a County Road Project (CRP) for Francis Road for the amount of preliminary engineering of \$25,000, right of way acquisition of \$25,000 and construction of \$192,500 for a total of \$242,500. Commissioner Wolden moved to approve the Resolution as presented by Staff. Commissioner Anderson seconded the motion, which passed unanimously.

(Resolution #15720)

6. Bid Award - Peter Burns Road Fish Passage Project.

Dan Tolliver, Surface Waste Management Department, presented a Resolution awarding the bid for the Peter Burns Road Fish Passage Project to Callen Construction Company, Inc. for \$62,374.25, which was below the engineer's estimate. Commissioner Wolden moved to award the bid for the Peter Burns Road Fish Passage Project in the amount of \$62,374.22. Commissioner Anderson seconded the motion, which passed unanimously. (Resolution #15721)

7. Right-of-way Plans/Summary of Offer - Peter Burns Road Fish Passage Project.

Mr. Tolliver reviewed the right-of-way plans for the Peter Burns Road Fish Passage Project. Mr. Tolliver advised that Staff has been in contact with all of the property owners, who are in favor. Commissioner Wolden moved to approve the expenditure for the right-of-way in the amount of \$755. Commissioner Anderson seconded the motion, which was unanimously approved. The Board executed the necessary documents.

8. Right-of-way Plans/Summary of Offer - Hoehn Road Fish Passage Project.

Mr. Tolliver reviewed the specific right-of-way plans for the Hoehn Road Fish Passage Project. Commissioner Wolden moved to approve the right-of-way purchase in the amount of \$3,175. Commissioner Anderson seconded the motion, which was unanimously approved. The Board executed the necessary documents.

9. Personal Services Agreement - Alder Creek Timber, Inc. (Gages Slough Tree Removal Project).

Mr. Tolliver presented a Personal Services Agreement with Alder Creek Timber, Inc. for the removal of trees in Gages Slough for the sale of the trees obtained therefrom. Chairman Hart moved to approve the Personal Services Agreement as presented by Staff. Commissioner Wolden seconded the motion, which carried unanimously. (Contract #02403)

10. Miscellaneous.

A. Jan Keiser, Public Works Director, advised that there will be a team meeting with residents on the Rosario Road project. A discussion ensued on the particulars of this project.

B. Ms. Keiser and the Board briefly discussed several proposed railroad crossing closures.

DISCUSSION - NORTHERN STATE PROPERTY GRAZING LEASE.

Jon Aarstad, Parks Department Director, reviewed the proposal to lease the Northern State property for grazing. Commissioner Wolden queried Mr. Aarstad on whether the gentleman bidding has physically viewed the property. Mr. Aarstad advised that he feels comfortable with the bidder's recent history of renting lands, that the gentleman was understanding of the situation, that there would be a need for maintenance and fencing on the property, and that repairs to the existing fencing would be credited as part of his payment. The bidder had stated that he would have someone living in the area who would be responsible for the animals and maintenance of fencing. Commissioner Wolden reiterated that it was his feeling that the gentleman needs to view the property prior to entering into a lease for grazing.

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Mr. Aarstad advised that this was the only bid received, and that if the Board desires, he can call for bids again or can accept the existing bid.

Commissioner Wolden moved to accept the existing bid with the proviso that a review of the site prior to signature on the lease be accomplished, and that the bidder provide a local contact to keep an eye on the animals and property. Commissioner Wolden advised that he does not want problems with adjoining property owners due to escaping animals.

Specifics of the bid were briefly discussed.

Commissioner Anderson noted that there should be some mechanism to determine that fence mending or repair has been accomplished before credit is given. Mr. Aarstad indicated that Staff will be present to do a site review to determine where fence repairs are needed.

The motion was seconded by Chairman Hart and passed unanimously. (Resolution to be provided by Staff at a Later Date).

CONSENT AGENDA.

Commissioner Wolden moved to approve the Consent Agenda for Monday, April 17, 1995, with the deletion of Items #1 and #2, which were not available at this time. Commissioner Anderson seconded the motion, which passed unanimously.

* Commissioners' Office:

1. Record of the Proceedings from Monday, April 10, 1995. (Deleted)
2. Record of the Proceedings from Tuesday, April 11, 1995. (Deleted)
3. Community Development Block Grant, #1-94-743-012, with the Department of Community, Trade and Economic Development, for the purpose of repair of failing and questionable septic systems for low and moderate income households in the unincorporated Skagit County communities of Blanchard and Edison. The amount of the contract award is \$500,000. (Contract #02404)

* Public Works:

4. Resolution Calling for Public Hearing for Vacation of Unused Right-of-Way in the Plat of Cedar Hills No. 3. This property is owned by Mr. Lumen Davidson, who is the original developer of the plat and owns the two lots on either side of the right-of-way and would like it vacated back to him. (Resolution #15722)

* Parks:

5. Contract with Maria Chaves to provide Youth Dance services for the term of January 1, 1995, through, December 31, 1995, compensated in the amount of 75% of program fees after expenses. (Contract #02405)

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* **Permit Center:**

- 6. **Out-Of-State Travel Request** for Marge Swint to attend an **Effective Zoning Administration Technique Conference**, sponsored by the University of Wisconsin. This conference will be held in Colorado Springs, Colorado, on June 4 through June 10, 1995. The total cost of attending this conference is \$998.50.

* **Health:**

- 7. **Agreement with the Department of Social and Health Services** to provide **Community Resource Development for Clients of the Division of Developmental Disabilities**. Compensation to the County will be \$3,000 which will be available to children with special needs through the Health Department CSHCN program. (Contract #02406)

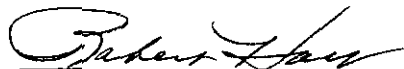
MISCELLANEOUS

Staff presented a **Personal Services Agreement with Window Dressing & Floor Covering** in the amount of \$1,500 to supply window blinds for Superior Court for the period March 15, 1995 through April 30, 1995. Commissioner Wolden moved to approve the Personal Services Agreement as presented by Staff. Chairman Hart seconded the motion, which passed unanimously. (Contract #02406) (2407)

ADJOURNMENT

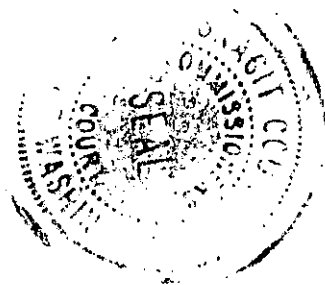
Chairman Hart made a motion to adjourn the proceedings. Commissioner Anderson seconded the motion. The motion was carried unanimously.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**



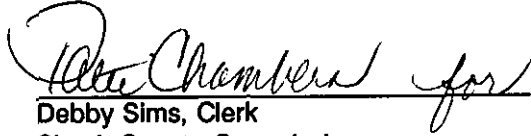
Robert Hart, Chairman

Harvey Wolden, Commissioner


Ted W. Anderson, Commissioner

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ATTEST:



Debby Sims, Clerk
Skagit County Commissioners